

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 240 – SB 239**

March 13, 2009

**SUMMARY OF BILL:** Makes a defendant who knowingly commits an offense in a county other than the defendant's county of residence ineligible for probation.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$75,957,000/Incarceration\***

**Decrease State Expenditures - \$238,900/Board of Probation  
and Parole**

**Assumptions:**

- According to the Board of Probation and Parole (BOPP), in FY07-08 there were 19,768 offenders on probation. A breakdown per felony class provided by BOPP shows 0.62 percent were Class A felony offenders; 12.77 percent Class B; 35.59 percent Class C; 25.04 percent Class D; and 25.95 percent Class E.
- The Department of Correction (DOC) estimates five percent ( $19,768 \times 5\% = 988$ ) of the current probationers' offenses were committed outside of the county of residence.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in 104 additional offenders in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 1,092 offenders in the tenth year.
- According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80. According to DOC, the average post-conviction time served for a Class E felony is 1.63 years; 2.43 years for a Class D felony; 3.59 years for a Class C felony; 6.17 years for a Class B felony; and 14.86 years for a Class A felony.
- The cost per offender at 1.63 years is \$35,548.11 ( $\$59.80 \times 594.45$  days). The cost per offender at 2.43 years is \$52,995.96 ( $\$59.80 \times 886.22$  days). The cost per offender at 3.59 years is \$78,426.50 ( $\$59.80 \times 1,311.48$  days). The cost per offender at 6.17 years is \$134,727.00

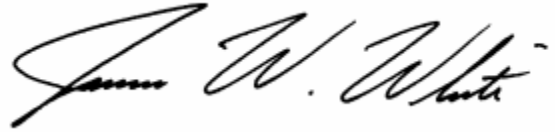
(\$59.80 x 2,252.96 days). The cost per offender at 14.86 years is \$324,636.26 (\$59.80 x 5,428.70 days).

- Applying the same percentages provided by the Board on five percent of the total probationers (1,092), DOC estimates seven Class A (1,092 x 0.62 %) felony offenders would not be eligible for probation as a result of this bill. The additional operating cost for seven offenders in the tenth year is \$2,272,453.82 (\$324,636.26 x 7).
- DOC estimates 139 Class B (1,092 x 12.77%) felony offenders would not be eligible for probation. The additional operating cost for 139 offenders in the tenth year is \$18,727,053 (\$134,727.00 x 139).
- DOC estimates 388 Class C (1,092 x 35.59%) felony offenders would not be eligible for probation. The additional operating cost for 388 offenders in the tenth year is \$30,429,482 (\$78,426.50 x 388).
- DOC estimates 273 Class D (1,092 x 25.04%) felony offenders would not be eligible for probation. The additional operating cost for 273 offenders in the tenth year is \$14,467,897.08 (\$52,995.96 x 273).
- DOC estimates 283 Class E (1,092 x 25.95%) felony offenders would not be eligible for probation. The additional operating cost for 283 offenders in the tenth year is \$10,060,115.13 (\$35,548.11 x 283).
- The total additional operating cost in the tenth year as a result of this bill is \$75,957,001.03 (\$2,272,453.82 + \$18,727,053 + \$30,429,482 + \$14,467,897.08 + \$10,060,115.13).
- BOPP will have a reduction in expenditures as a result of 1,092 offenders who will be ineligible for probation and will be incarcerated instead. Estimate assumes 80 percent (874) of those offenders would become parole eligible prior to the expiration of their sentence and would be released on parole. The cost of these offenders will shift from probation to parole services. Twenty percent (218) will not receive parole. The cost to BOPP to supervise an offender is \$3 per day. A decrease in state expenditures for 218 ineligible offenders is estimated to be \$238,873.50 (\$3 x 218 offenders x 365.25 days).

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director

/lsc